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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 ERIC S. WRIGHT, et al.,

12 Plaintiffs,

13 v.

14 HSBC BANK USA, NATIONAL
15 ASSOCIATION, et al.,

16 Defendants.
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} Case No. CV 09-7863 DMG (OPx)

} **ORDER TO SHOW CAUSE**
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19 This matter is before the Court on the following: (1) the Motion to Dismiss
20 Plaintiffs' Second Amended Complaint filed by Defendants HSBC Bank USA, National
21 Association ("HSBC"); Pacific Coast Home Mortgage, L.L.C. ("Pacific Coast"); and
22 Wells Fargo Home Mortgage, L.L.C., a Division of Wells Fargo Bank ("Wells Fargo"
23 and together with HSBC and Pacific Coast, the "Foreclosing Defendants") [Doc. # 71]¹;
24 (2) the Motion to Dismiss Plaintiffs' Second Amended Complaint filed by Defendant
25 First American Loanstar Trustee Services ("First American" and together with the
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28 ¹ Although captioned as a Motion to Dismiss Plaintiffs' First Amended Complaint, the
Foreclosing Defendants seek throughout the Motion to dismiss Plaintiffs' Second Amended Complaint.

1 Foreclosing Defendants, "Defendants") [Doc. # 70]; and (3) the Motion to Strike Portions
2 of Plaintiffs' Second Amended Complaint filed by the Foreclosing Defendants [Doc. #
3 72]. All Motions are currently set for hearing on October 4, 2010.


4 Defendants filed the Motions on August 25, 2010. Pursuant to Local Rule 7-9,
5 Plaintiffs had until September 13, 2010 to file an Opposition. As of the date of this order,
6 Plaintiffs have not done so. Local Rule 7-12 provides that "[t]he failure to file any
7 required paper, or the failure to file it within the deadline, may be deemed consent to the
8 granting or denial of the motion."

9 The Court has already twice granted Plaintiffs leave to amend their operative
10 complaint [Doc. #s 33, 58, 69] and Plaintiffs are now at their Second Amended
11 Complaint. Accordingly, Plaintiffs are hereby ordered to show cause in writing why
12 Defendants' Motions should not be granted without leave to amend. Plaintiffs shall file their
13 response to this Order to Show Cause ("OSC") by September 24, 2010.

14 The October 4, 2010 hearing on Defendants' Motions is vacated pending the
15 Court's ruling on the OSC and shall be re-set by the Court if needed.

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17 IT IS SO ORDERED.

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19 DATED: September 16, 2010

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22 DOLLY M. GEE
23 UNITED STATES DISTRICT JUDGE
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